

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESMOND D. BOSTICK,

Defendant.

CASE NO. 2:23-cr-00155-JNW

COURT'S PROPOSED VOIR DIRE

The Court proposes the following voir dire questions:

1. General Voir Dire

1.1. This trial is expected to last for 4 days. But there is no time limit on how long the jury may deliberate. Is there anyone who cannot be here for the expected length of trial?

1.2. In this case, the Defendant, Mr. Bostick, has been charged with one count of abusive sexual contact in a special aircraft jurisdiction of the United States. It is alleged that Mr. Bostick knowingly and intentionally engaged in sexual contact with a female passenger by touching her buttocks without permission and with the intent to abuse, humiliate, harass, degrade, or arouse or gratify

1 his sexual desire while on board an airline flight from San Diego, California,
2 to SeaTac, Washington. Mr. Bostick denies this allegation and has plead not
3 guilty to the charge. He is exercising his Constitutional right to a jury trial
4 and he is presumed innocent, and he is presumed to be innocent unless and
5 until the Government proves his guilt beyond a reasonable doubt. Have any
6 of you heard, seen, or read anything about this case?

7 1.3. I will now ask counsel for the Government to introduce themselves and to list
8 all of the witnesses the Government may call to testify at trial. After all the
9 names are read, please raise your card if you believe you know any of the
10 witnesses. [*AUSA reads names.*]

11 1.4. Does anyone know the Assistant United States Attorney(s) here or anyone in
12 the United States Attorney's Office?

13 1.5. I will now ask counsel for the defense to introduce themselves and to list all
14 the witnesses they may call to testify. Like before, after all the names are
15 read, please raise your card if you believe that you know any of the witnesses.
16 [*Defense counsel reads names.*]

17 1.6. The court previously identified the Defendant and the defense attorney(s).
18 Does anyone know the Defendant or the defense attorney(s) here?

19 1.7. Other than from meeting them this today, do you know any of the other
20 potential jurors?

21 1.8. Have you served as a juror in a criminal or a civil case or as a member of a
22 grand jury in either a federal or state court?

1 1.9. Have you, any member of your family, or any close friend ever been employed
2 by a law enforcement agency?

3 1.10. Are you or any close family member or friend connected with law
4 enforcement, whether federal, state, local, or private, in any other way?

5 1.11. Have you or anyone close to you ever received law enforcement training?

6 1.12. Do you or any close family members or friends work in the legal system?

7 1.13. Do you have any training or work experience in the legal field otherwise?

8 1.14. Have you or a close family member or friend ever been a litigant or party in a
9 court hearing or proceeding?

10 1.14.1. Was there anything about that experience that would prevent you
11 from being fair and impartial in this criminal case?

12 1.15. Have you or a close family member or friend ever been accused, rightly or
13 wrongly, with committing a criminal offense?

14 1.15.1. If so, do you believe that the police and the prosecutors conducted
15 themselves improperly in any way?

16 1.15.2. Do you have any bad feelings toward the government based on that
17 incident?

18 1.15.3. Would anything about that experience prevent you from serving as a
19 fair and impartial juror in this case?

20 1.16. Have you or a close family member or friend been involved in any lawsuit
21 involving the federal government?

22 1.16.1. If so, was the dispute resolved to your satisfaction?
23

1 1.16.2. If not, do you feel that the way the dispute was resolved would
2 impact your ability to be a fair and impartial juror in this case?

3 1.17. Other than a deposition, have you ever testified before in any court
4 proceeding?

5 1.18. Are there any health or physical issues or problems that would make it
6 difficult or impossible for you to serve as a juror? (For example, a bad back,
7 migraines, or medication you may be taking.)

8 1.19. Do you have any moral, religious, philosophical, or other beliefs that would
9 prevent you from fulfilling your duties and responsibilities as a juror?

10 1.20. If you are selected to sit on this case, you must reach a verdict based solely on
11 the evidence presented at the trial and in the context of the instructions I
12 give you about the law. You must disregard any outside ideas, notions, or
13 beliefs about the law, and follow my instructions about the law even if you
14 disagree with them. Please raise your hand if there's any reason why you
15 would be unable or unwilling to follow the Court's instructions on the law?

16 1.21. You'll be instructed that the Defendant is presumed to be innocent until
17 proven guilty, and the Government bears the burden to prove the Defendant
18 guilty beyond a reasonable doubt. Do any of you have an issue with these
19 principles of law?

20 1.22. I realize you don't know much about the case, but is there anything that
21 you've heard so far that makes you think it would be difficult for you to be
22 fair and impartial to both the Government and the Defendant here?

1 1.23. Do any of you have any reason at all—perhaps something I haven’t asked
2 about—why you could not sit as a fair and impartial juror in this case?

3 1.24. Here’s my final question: If you were the Government or the Defendant in
4 this case, is there any reason that you would not want someone with your
5 views or frame of mind sitting on your jury?

6 **2. Additional Questions for Cases Involving Sexual Assault**

7 2.1. Have you, any member of your family, or any close friend ever been the
8 victim of a sexual assault or sexual abuse?

9 2.1.1. Was the incident reported to anyone, e.g., a parent, a counselor, a
10 friend, or the police?

11 2.1.2. If so, was the accused person prosecuted? Was the accused person
12 ever convicted?

13 2.2. Have you, any member of your family, or any close friend ever reported an
14 incident of sexual assault or sexual abuse to another person or to the police?

15 2.3. Have you, any member of your family, or any close friend ever been accused,
16 rightly or wrongly, of some form of sexual assault or sexual abuse?

17 2.3.1. Do you believe that you or the accused person was treated fairly?

18 2.4. Have you, any member of your family, or any close friend ever been contacted
19 by the police about a report of a sexual assault or sexual abuse?

20 2.4.1. If so, were you satisfied with the police response? Were you satisfied
21 with the outcome of the case?

22 2.5. Has a close friend or a member of your family ever reported a sexual assault
23 or sexual abuse to you?

1 2.6. Do you have any specialized training, education, or experience in the area of
2 sexual assault or sexual abuse?

3 Dated this 4th day of April, 2024.

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6 Jamal N. Whitehead
7 United States District Judge
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